

NOT INTENDED FOR PUBLICATION IN PRINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GARY L. BRANHAM,)	
)	
Plaintiff,)	
vs.)	NO. 1:01-cv-00152-JDT-WTL
)	
PAUL HENRY O'NEILL,)	
)	
Defendant.)	

GARY L. BRANHAM,)
)
Plaintiff,)
)
vs.) 1:01-cv-0152-JDT-WTL
)
JOHN W. SNOW, Secretary, United States)
Department of Treasury/Internal Revenue)
Service,)
)
Defendant.)

The jury having rendered its verdict in this matter on December 12, 2005,

IT IS NOW THEREFORE ORDERED, ADJUDGED, AND DECREED that

JUDGMENT be entered in favor of the Plaintiff, Gary L. Branham, and against the Defendant, John W. Snow in his official capacity as the Secretary of the United States Department of Treasury/Internal Revenue Service (the "IRS"), in accordance with the jury's verdict and the court's determination on matters of back pay, front pay, attorney's fees, and costs as follows:

AS TO BACK PAY, Gary L. Branham is awarded the full amount of stipulated back pay, which amount in gross is **\$77,732.40**. If the IRS chooses to disperse only the net amount of \$46,140.74 to Mr. Branham, then it is further responsible to pay the appropriate taxes and other withholdings. In addition, Mr. Branham is awarded the prejudgment interest on the back pay damages. As of June 19, 2006, the gross

prejudgment interest is **\$18,222.23**.

AS TO FRONT PAY, Gary L. Branham is awarded damages in the form of front pay (including lost TSP contributions) in the amount of **\$47,529.46**.

AS TO THE LOST RETIREMENT BENEFITS, the IRS is required to pay Mr. Branham's basic FERS benefit, upon his actual retirement from the IRS, based on his actual high-3 average salary at the time of the retirement, but computed as though he had worked as a Special Agent since June 1999. This mandate includes computing his basic FERS benefit at 1.7% of his actual high-3 average pay for the number of years, up to twenty, that he would have served as a Special Agent if instated in June 1999. The IRS is further required to distribute, upon Mr. Branham's death, any survivor benefits associated with his basic FERS retirement benefit, and do so as though he had served as a Special Agent, but computed according to his actual salary.

AS TO LOST VACATION TIME, the IRS is required to restore to Gary L. Branham the **126 hours of vacation time** he spent in pursuit of his discrimination claim.

IN ADDITION, attorneys' fees and costs are awarded to Gary L. Branham in the total amount of **\$801,436.23**, representing reasonable attorneys' fees and costs.

ALL OF WHICH IS ORDERED this 19th day of June 2006.

Laura A. Briggs, Clerk
United States District Court

John Daniel Tinder, Judge
United States District Court

By Evelyn A. Hollins, Deputy Clerk

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